

Road

DOCKET No⁶

Number	Term	Year
6	Dec ss	1927

Petition of Frank E. Wise & The
County National Bank of Gdn of Merle
Wise, for Appt. of viewers to assess
damages in Pike ~~Twp~~ Versus

5

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

In re: Reconstruction of :
Highway between Curwensville :
and Lumber City :
:

PETITION.

To the Honorable A.R. Chase, President Judge of said Court.

The petition of Frank E. Wise and the County National Bank of Clearfield, Pennsylvania, guardian of Merle Wise, respectfully represents:-

(1). That the petitioners are the owners of a certain tract of land in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:-

Beginning at a post on the bank of the West Branch of the Susquehanna River; thence extending along the lands of Henry Hile N. $51\frac{1}{2}^{\circ}$ W. two hundred forty-two (242) perches to a post; thence along lands formerly of Robert Ross N. 39° E. eighty (80) perches to a post; thence along lands formerly of William Irvin S. 51° E. one hundred seventy-eight (178) perches to a post on the bank of the West Branch of the Susquehanna River; thence by said River its several courses and distances to a post and place of beginning. Containing one hundred (100) acres, twenty-eight (28) perches.

Excepting out of same twenty (20) Acres conveyed to Henry Hile and forty (40) acres conveyed to J.E. Clark.

Also, all that other tract in the same Township, beginning at a hemlock on West Branch of the Susquehanna River; thence N. 51° W. one hundred eighty (180) perches to a post on line of land formerly of Robert Ross; thence S. 39° W. eighteen (18) perches by said land to a post; thence S. 51° E. one hundred seventy-eight (178) perches by land of William M. Price to a post on the bank of the River; thence down the River its several courses and distances almost eighteen (18) perches to the place of beginning. Containing twenty (20) acres, twenty-two (22) perches.

Being the same premises which were conveyed to James M. Wise by Fred J. Dyer et ux. by deed dated January 13, 1904, recorded in Clearfield County in Deed Book 144 page 18, and which upon the death of said James M. Wise descended by inheritance to his two sons, petitioners herein.

(2). That the State Highway Commissioner of the State of Pennsylvania has undertaken and proceeded with the construction of an improved State Highway between the Borough of Curwensville and the Borough of Lumber City, running through the aforesaid land of the petitioners in Pike Township.

(3). That petitioners have sustained damages by reason of the construction of said road, the course of which has been considerably changed and upon which a change of width and existing lines and locations has been occasioned, and that the construction of said portion of State Highway has been completed or is approaching completion.

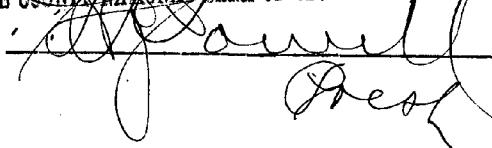
(4). That your petitioners have been damaged by the taking of a substantial quantity of ground amounting to one and one-half (1½) acres or more, by the destruction of fruit trees, by making certain parts of their farm inaccessible without the building of crossings over the ditches along said road, by the diverting of a large flow of water, making necessary the drainage thereof, and in various other particulars.

(5). That your petitioners have been unable to agree with the County Commissioners of Clearfield County on the amount of damages to be paid to your petitioners for the land appropriated and other injuries resulting to your petitioners.

YOUR PETITIONERS THEREFORE PRAY your Honorable Court to appoint viewers to appear upon the premises and to view and assess the damages and injury for which your petitioners are entitled to receive compensation by reason of the appropriation

of their land and the other injuries incidental to the reconstruction and relocation of said State Highway.

THE COUNTY NATIONAL BANK OF CLEARFIELD, PA.


J. Powell
Pres

STATE OF PENNSYLVANIA:

:SS

COUNTY OF CLEARFIELD :

Frank E. Wise, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me

Frank E. Wise

this 14 day of November,

A.D. 1927

Geo W. Palston
Clerk

STATE OF PENNSYLVANIA :

:SS

COUNTY OF CLEARFIELD :

R. G. Ferguson, being duly sworn according to law, deposes and says that he is Assistant Post Office of the County National Bank of Clearfield, Pa., guardian of Merle Wise, and has authority to make this affidavit on behalf of said Bank, and that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me

R. G. Ferguson

this 14 day of November, A.D.

1927.

Geo W. Palston
Prothonotary

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY
PENNSYLVANIA.

6 Dec 22, 1927

In re: Reconstruction of

Highway between Curwensville
and Lumber City

PETITION

Recd. November 1st 1927

~~Henry S. Neiman~~
Henry S. Neiman
Henry Neim & Jack
Minchels one hundred
men to be engaged
work to be carried
out the contract.

H. Wallace

Henry S. Neiman
NOV 21 1927

GEO. W. RALSTON

H. Wallace
W. WALLACE & SMITH
ATTORNEY AT LAW
CLEARFIELD, PENNIA

Beginning at a post on the bank of the West Branch of the Susquehanna River; thence extending along the lands of Henry Hile N. $51\frac{1}{2}^{\circ}$ W. 242 perches to a post; thence along lands formerly of Robert Ross N. 39° E. 80 perches to a post; thence along lands formerly of William Irvin S. 51° E. 178 perches to a post on the bank of the West Branch of the Susquehanna River; thence by said river its several courses and distances to a post and place of beginning. Containing 100 acres 28 perches.

Excepting out of same 20 acres conveyed to Henry Hile and 40 acres conveyed to J. E. Clark.

Also, all that other tract in the same townships, beginning at a hemlock on West Branch of the Susquehanna River; thence N. 51° W. 180 perches to a post on line of land formerly of Robert Ross; thence S. 39° W. 18 perches by said land to a post; thence S. 51° E. 178 perches by land of William M. Price to a post on the bank of the river; thence down the river its several courses and distances almost 18 perches to the place of beginning. Containing 20 acres 22 perches.

That the State Highway Commissioner of the State of Pennsylvania has undertaken and proceeded with the construction of an improved State Highway between the Borough of Curwensville and Borough of Lumber City, running through the aforesaid land of the petitioners in Pike Township.

That your petitioner have been damaged by the taking of a substantial quantity of ground amounting to one and onehalf ($1\frac{1}{2}$) acres or more, by the destruction of fruit trees, by making certain parts of their farm inaccessible without the building of crossings over the ditches along said road, by the diverting of a large flow of water, making necessary the drainage thereof, and in various other particulars.

TO; Jesse E, Dale, T, R, Weimer and B W, McCrackin.
County Commissioners of Clearfield County, Pennsylvania.

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania to view and inspect the premises of Frank E, Wise & the and the County National Bank of Clearfield Pa Guardian of Merle Wise situate in Pike Township County and State aforesaid through which the State Highway Commissioner in the construction of a State Highway from the Borough of Lumber City to the Borough of Curwensville constructed said road changing the location of the former highway.

The said viewers therefore notify you that they will meet on the said premises in Pike Township County and State aforesaid to view and inspect the said premises in the performance of their said duty on Thursday December first (1) 1927 at one thirty (1.30) O'clock. P. M. of which time and place please take notice.

And that the public hearing will be held by the viewers as required by the Act of Assembly and the Rules of Court in order to give all parties interested a chance to appear and be heard by the viewers before the filing of their report in Court.

Will meet in the Arbitration Room in the Court House in Clearfield Pa on Friday the second (2d) ^{day of December} 1927 at nine (9) O'clock A. M. at which time and place all parties interested with their witnesses may appear and be heard.

A G Kramer

H A Rees.

J L Michaels
Viewers.

Now November 25th 1927 service accepted for the County Commissioners of Clearfield County Pa. and time waived

D. C. Morris

Clerk.

TO; Frank, E, wise & The County National Bank Guardian
of Merle, wise.

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania to view and inspect the premises of the above named parties situate in Pike Township County and State aforesaid through which the State Highway Commissioner in the construction of a State Highway from the Borough of Lumber City to the Borough of Curwensville constructed said road changing the location of the former highway .

The said viewers therefore notify you that they will meet on your said premises in Pike Township County and State aforesaid to view and inspect your said premises in the performance of their said duty on Thursday December first (1) 1927 at one thirty (1.30) O'clock P. M. of which time and place you will please take notice.

And that the public hearing will be held by the viewers will be held as required by the Act of Assembly and the Rules of Court in order to give all parties interested a chance to appear and be heard by the viewers before the filing of their report in

Court
Will meet in the Arbitration Room in the Court House on Friday December the second (2d) 1927 at nine (9) O'clock A. M. at which time and place all parties with their witnesses may appear and be heard.

A G Kramer.

H A Reed

J S Michaels

VIEWERS.

Now November 25th 1927 service accepted for the claimants and personal service and time waived.

Dr. Nellie Lint

COMMONWEALTH
for the Reconstruction
of Highway between
Cunninghams & South
City.

In the Court of Quarter Sessions of Clearfield County

No. Sessions, A. D. 19

Indictment

Verdict

Disposition

Clerk					
County					
Sheriff					
Justice					
Wit. before J. P.					
Constable on Trans.					
" Sub.					
Fine					
Certified from the Record					

Clerk

George Adkison	1	Days in court at \$2.00 per day	200		
P. O.	9	Miles at 6c per mile	54	254	
Geo. Smith	1	Days in court at \$2.00 per day	200		
P. O.	9	Miles at 6c per mile	54	254	
		Days in court at \$2.00 per day		508	
P. O.		Miles at 6c per mile			
		Days in court at \$2.00 per day			
P. O.		Miles at 6c per mile			
		Days in court at \$2.00 per day			
P. O.		Miles at 6c per mile			
		Days in court at \$2.00 per day			
P. O.		Miles at 6c per mile			
		Days in court at \$2.00 per day			
P. O.		Miles at 6c per mile			

CLEARFIELD COUNTY, ss:

Personally appeared Frank E. Wise, who being duly sworn according to law doth depose and say that the above bill of costs is correct; that the witnesses named were present and material, and the miles actually traveled as above stated.

Sworn and subscribed before me this 2nd

day of December, 1927

Geo. W. Galston } Frank E. Wise
Clerk

CERTIFICATE

I, _____ District Attorney of Clearfield County, hereby certify that the witnesses above named were subpoenaed by me and were in attendance, and were necessary for the trial of this case.

----- DISTRICT ATTORNEY -----

No. _____ Sessions, 19 _____

COMMONWEALTH

versus

Commonwealth Bill of Costs

Amount

\$ _____

Filed _____, 19 _____

PROTHONOTARY

----- DISTRICT ATTORNEY -----

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 21st day of November
in the year of our Lord one thousand nine hundred twenty seven Frank E. Wise and County National Bank, Guardian of Merle Wise Judge of the same Court: Upon the petition of John W. Johnson ~~and~~ John W. Johnson of the Township of Pike in said County, setting forth that they are the owners of a certain tract of land in Pike Township, Clearfield County, Penna. bounded and described as follows:-

assess damages
and therefore, praying the Court to appoint proper persons to view and ~~tax~~ ~~fix the same~~ and between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers Aaron G. Kramer, Esq., Harry Reese and Jack Michaels

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgement, are to view the ground ~~proposed for~~ the said road, and if they view the same, and a majority of the ~~actual~~ viewers agree that there is occasion for such road they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property, and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the course and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same, but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; which report they shall in like manner transmit to the next Court of Quarter Sessions, with the draft or plot aforesaid. In which said reports they shall state that they have been sworn or affirmed according to law, and that due and legal notice was given of the time when, and place where, they should meet, to view and lay out said road, and the time and place of hearing.

By order of the Court.

Clerk.

RETURN OF VIEWERS

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, be leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County ~~and the Board of Supervisors of the Township of~~ and that ~~notices thereof were posted along the route of the~~ proposed road, that the said view would be held on the First day of December A. D. 1927, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the Second day of December, 1927, at (9) o'clock A.M. That

The viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view ~~That there were present at the the claimants Frank E. wise and Merle Wise the claimants with their attorney W. Wallace Smith Esq. and H. B. Powell representing the County National Bank Guardian for Merle Wise under age and his mother and~~ parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the Second day of December A. D. 1927, when the following appearances were noted: ~~Frank E. Wise and Merle Wise the claimants with H. B. Powell representing the County National Bank Guardian for Merle Wise who being under age, with their attorney W. Wallace Smith Esq. and the County Commissioners with their Attorney Frank Smith Esq representing A. M. Liveright.~~

After the view and hearing above mentioned the undersigned, the majority of the said viewers, do agree that there is ~~no~~ occasion for a road as desired by the petitioner, and that the same is ~~not~~ necessary for a ~~new~~ road. And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for ~~the~~ use the following described road, to wit Beginning

That the petitioners Frank E. wise and Merle Wise sons of James M. Wise deceased who by inheritance by the death of their father the said James M. Wise became the owner of two certain adjoining tracts of land situate in Pike Township Clearfield County State of Pennsylvania, the one containing forty (40) acres and the other twenty (20) acres a total of sixty (60) acres; Through which said tracts of land of the said claimants to wit Frank E. wise and Merle wise the State Highway Commissioner in 1927 in the construction of the State Highway from the Borough of Lumber City to the Borough of Curwensville through Pike Township County and state aforesaid passes through the land of the said claimants 1388 feet in length and on an average including the barn and drain at the upper side of the road and the barn, drain and fill at the south of eastern side of the road averages forty three (43) feet in width which takes one and one half of the claimants land for which the viewers assess the claimants at the rate for the land taken at one hundred (\$100.00), an acre or for the acre and a half of land taken One hundred and fifty (\$150.00) dollars.

For the cost of the erection or construction of a culvert or bridge across or over the drain along the upper side of the road to enable the claimants to get from the State road into their fields on the upper side of the road or from the fields onto the road the sum of twenty five (\$25.00) dollars.

The value of the eight apple trees destroyed by the construction of the road through the claimant's orchard to viewers fix the

value per tree at the price fixed by the claimant and the witnesses at ten dollars a tree or for the eight trees destroyed at (\$80.00

For the value of the land destroyed and the inconvenience by the ditch or drain from the highway down past the side of the house one hundred and fifty seven feet in length nine (9) feet in width at the upper end by about three feet at the lower end by all of three feet in depth at the upper end all of one foot at the lower end in depth the viewers assess the damages at one hundred and seventy five (\$175.00) dollars

Therefore making the total damages assessed at \$430.00

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting

when it was not practical to preserve it within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from

the following persons having refused to release the damages to which they respectively may be entitled by reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess these damages and make report thereof as follows:

and we herewith return releases obtained and copy of the notices. *served*
WITNESS our hands and seals this 5th day of December.

A. D. 1927.

J. G. Kramer Seal
J. A. Reese Seal
J. Sherrick Seal
J. Sherrick Seal

No. 6 Dec Sessions, 19 27

ORDER

To view and assess damages to
Frank D. Wise, & County Nat'l Bank
Gridley & Wierle Wise Pike use in the
township of _____,
Clearfield County _____.

NOTE.—In case of a private road, the release
must be executed in favor of the petitioner for
said road.

Also, viewers will carefully note the number of
days employed and set the amount out at the foot
of their return.

Viewers cannot interfere with the damages
assessed by the original viewers, except so far as
the location may be changed by the revewers.

N. B.—If the viewers believe the parties are not
entitled to damages, taking into consideration the
advantages, as well as the disadvantages of the
road, they will report to that effect.

	Days	Miles	AMT.
A. G. Kramer	4	16	\$30.80
H. A. Reese	2	112	\$20.50
J. S. Michael	2	32	\$19.10

Nov 22 1927
Confirmed by Mr. Si.
absolutely unless
the opponents
claim damages.
By the Clerk
of the Court.

Filed 10
Fees \$1.25 paid by _____

W. Wallace Smith, Atty.

RELEASE OF DAMAGES

Know all Men by these Presents, that we, the undersigned, owners of lands through which
the road located by the viewers, under the annexed order, passes for and in consideration of the
sum of one dollar to us respectively paid by _____

at and before the ensealing and delivery
hereof, have remised, released and forever quit-claimed, and do hereby remise, release and
forever quit-claim to the said _____

all damages that may arise to us respectfully by reason of the location and opening of the said
road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter
ask, sue for, demand, have or receive any damages for injuries arising or growing out of the
location and opening of the road aforesaid.

Witness our hands and seals this _____ day of _____
A. D. 192 _____.

Seal

Seal

Seal

Seal